



THE TEXAS HOUSE OF REPRESENTATIVES

FRED HILL

RQ-689

CHAIRMAN, COMMITTEE ON URBAN AFFAIRS

April 14, 1994

SJS

RECEIVED

The Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548
Austin, TX 78711-2548

FILE # RQ-00689-DM
AL-25934-94

APR 19 94

I.D.# 26226
25934

Opinion Committee

Re: Chapter 171 of the Local Government Code

Dear Dan,

Chapter 171 of the Texas Local Government Code ("Code") regulates conflicts of interests of local public officials. Section 171.001 of the Code defines a local public official as a "member of the governing body or another officer...of any...municipality...who exercises responsibilities beyond those that are advisory in nature." Section 171.004(a) of the Code requires such an official to file an affidavit and abstain from further participation in a matter if the matter involves a business entity in which he has a substantial interest and the action on the matter will have a special economic effect on the entity that is distinguishable from the effect on the public.

Members of the City of Dallas planning and zoning commission ("commissioners") exercise several responsibilities. Some responsibilities, such as making final decisions on plats, clearly are beyond advisory in nature. Other responsibilities, such as making recommendations on proposed changes to zoning regulations or boundaries, are advisory in nature. Please answer the following questions:

- (1) Are the commissioners considered to be "local public officials" for purposes of Chapter 171 when they make recommendations on proposed changes to zoning regulations or boundaries in accordance with Section 211.007(b) of the Code in light of the fact that Dallas has adopted an ordinance in conjunction with Section 211.006(f) of the Local Government Code that requires an affirmative vote of at least three-fourths of the entire City Council to overrule a recommendation of denial by the commission?
- (2) Does the term "involving the business entity" used in Section 171.004(a) refer only to the business entity whose request is the subject matter of the vote or decision, or does it also include a business entity that is paid to represent the entity whose request is the subject matter of the vote or decision?

AUSTIN OFFICE: State Capitol Extension, Room 2.704

P.O. Box 2910 • Austin, Texas 78768-2910 • (512) 463-0486 • FAX (512) 480-0512

DISTRICT OFFICE: 2485 Promenade Center • Richardson, Texas 75080 • (214) 234-8980 • FAX (214) 480-8934

(3) Does the term "involving the business entity" used in Section 171.004(a) include a business entity that is paid to represent a person or group opposing the business entity whose request is the subject matter of the vote or decision?

I would appreciate your prompt attention to an opinion addressing these questions.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Hill", written over a large, stylized circular flourish.

Fred Hill

FH/dmo